

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

**CARLOS REYNA, as Assignee of §
JOSE FABELO, §
§
Plaintiff, §
§
v. § CIVIL NO: 1:17-CV-00270-SS
§
§
GLOBAL HAWK INSURANCE §
COMPANY (RRG) §
§
§
Defendant. §**

**WITHDRAWAL WITHOUT PREJUDICE OF
MOTION FOR SUMMARY JUDGEMENT**

Global Hawk Insurance Company ("Global Hawk") hereby withdraws its Motion for Judgment Without Prejudice to refiling, and states as follows:

1. Global Hawk filed a Motion for Summary Judgment on December 17, 2017 (Doc. #38).
2. As stated in the Prefatory Statement to that Motion, Global Hawk filed that Motion on that date because it was the deadline for dispositive motions under the then existing scheduling order, but requested to refile at a later date given the pendency of the various motions addressed in the Court's Order of January 5, 2018 (Doc. #39).
3. The Court noted in its Order of January 5, 2018 that the Motion for Summary Judgment was "not yet ripe" (Doc #39, p. 1 fn. 1).

4. Given the Court's ruling for the parties to submit a modified scheduling order and the Court's ruling that the Motion for Summary Judgment is not yet ripe, Global Hawk hereby withdraws that Motion for Summary Judgment without prejudice to refiling.

5. The withdrawal of this Motion is intended to alleviate the need for plaintiff to respond to the motion.

Respectfully submitted,

KANE RUSSELL COLEMAN LOGAN, PC

By: /s/ Donald A. Waltz
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CERTIFICATE OF SERVICE

I hereby certify that on 10th day of January, 2018, a true and correct copy of the foregoing was served upon counsel of record via ECF transmission:

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